



Atty. Dkt. No. 035879-0125

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Xianzhong YU et al.
Title: LYTIC PEPTIDE PRODRUGS
Appl. No.: 09/938,623
Filing Date: 08/27/2001
Examiner: Karen A. Canella
Art Unit: 1643
Confirmation Number: 2349

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Greenville Hospital System, having its principal place of business at 900 W. Faris Road, Greenville, SC 29605, Greenville, South Carolina 29605, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 09/938,623, filed 08/27/2001, which is a continuation-in-part of U.S. Patent Application No. 09/851,422, filed 05/09/2001, by virtue of an Assignment filed and recorded on 05/10/2005, on Reel/Frame 016217/0238, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A. Further, your Petitioner represents that it is the owner of U.S. Patent No. 7,094,750, which issued on U.S. Patent Application No. 09/851,422, filed 05/09/2001, by virtue of an Assignment filed and recorded on 04/12/2005, on Reel/Frame 016056/0727, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX B.

01/12/2007 JADD01 00000020 09938623

Your Petitioner, Greenville Hospital System, hereby disclaims the terminal part of the term of any patent granted on U.S. Patent Application 09/938,623 which would

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extend beyond the full statutory term, ~~as shortened by any terminal disclaimer~~, of U.S. Patent 7,094,750, and hereby agrees that any patent so granted on U.S. Patent Application 09/938,623 shall be enforceable only for and during such period that the legal title to U.S. Patent 7,094,750 shall be the same as the legal title to any patent granted on U.S. Patent Application 09/938,623, this agreement to run with any patent granted on U.S. Patent Application 09/938,623 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on U.S. Patent Application 09/938,623, prior to the full statutory term of U.S. Patent 7,094,750 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent 7,094,750 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent 7,094,750 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on U.S. Patent Application 09/938,623 that would extend beyond the present termination of U.S. Patent 7,094,750, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on U.S. Patent Application 09/938,623 to the extent provided by law.

The undersigned (whose title is supplied below) certifies that he is empowered to sign this Terminal Disclaimer on behalf of the assignee, that he has reviewed the Assignments attached as APPENDICES A and B, and to the best of his knowledge and belief, legal title to U.S. Patent Application 09/938,623 and U.S. Patent 7,094,750 rests with Petitioners, Greenville Hospital System. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date January 8, 2007

GREENVILLE HOSPITAL SYSTEM

By:

Name:

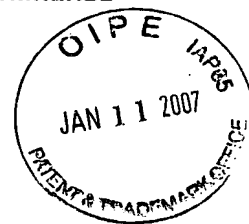
Thomas E. Wagner

Title:

Director



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
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UNITED STATES PATENT AND TRADEMARK OFFICE
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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES DIVISION, P.O. BOX 1450, ALEXANDRIA, VA 22313.

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DOC DATE: 04/29/2005

ASSIGNOR:

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DOC DATE: 04/29/2005

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DIANE RUSSELE, PARALEGAL
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Patent Assignment Abstract of Title

**NOTE: Results display only for issued patents and published applications.
For pending or abandoned applications please consult USPTO staff.**

Total Assignments: 1

Patent #: 7094750

Issue Dt: 08/22/2006 **Application #:** 09851422 **Filing Dt:** 05/09/2001

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Inventors: Xianzhong Yu, Thomas E. Wagner

Title: THERAPEUTIC PORE-FORMING PEPTIDES

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Exec Dt: 04/08/2005

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Exec Dt: 04/11/2005

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If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.
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